

REMARKS/ARGUMENTS

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and to address claim formalities issues raised on pages 3-4 of the current Official Action.

Claim 3 has been deleted as directed to non-elected subject matter, this action being taken without disclaimer or prejudice to a divisional application directed to the subject matter of this claim.

New claims 16-35 are presented for examination. These claims are directed to methods of treating hyperglycemia employing the compounds identified in them. They are properly directed to statutory subject matter and are compliant with 35 USC §112, second paragraph. Accordingly, the issues raised in the outstanding Official Action as regards claim formalities have been resolved by presentation of the above new claims.

Previous claims 1, 4, 5 and 10-14 have been provisionally rejected on the basis of obviousness-type double patenting over various claims of co-pending application 10/501,135. To the extent that this type of rejection is regarded as being relevant to the new claims presented above, it is traversed.

This double patenting rejection is a provisional one which need not be resolved at this time since the claims in this application or the claims in the co-pending application have been indicated to be allowable. Accordingly, applicants will hold in abeyance a response to this provisional rejection if and when it is raised again and the claims in this application are otherwise in condition for allowance.

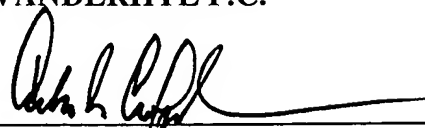
Further examination on the merits is awaited.

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Respectfully submitted,

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